

**LAW OFFICES OF
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June 7, 2005

BY ELECTRONIC FILING

Hon. Magistrate Judge Marilyn D. Go
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Mohamed Bary v. Delta Air Lines, Inc.
02 CV 5202 (DGT) (ASC)**

Dear Judge Go:

I represent Plaintiff Mohamed Bary in the captioned matter. I am writing in compliance to your Honor's order dated May 30, 2005. Where in the honorable court has required the responding attorney to outline the nature of the dispute and attach relevant materials which are claimed in my earlier letter dated May 13, 2005 as not resolved Discovery Disputes with the defendants, in complete compliance to Local Civil Rule 37(c).

It is stated that defendant has been not providing satisfactory responses to the interrogatories as detailed in plaintiff's 1st and 2nd set of interrogatories, in general and in particular defendant's have failed to respond to produce the following documents which were requested through Request for Production on April 19, 2005 pursuant to FRCP 26, 33 & 34. Copy for Request for Production is attached as ***Exhibit 'A'*** to this letter.

In addition, plaintiff pursuant to FRCP 36 required to admit documents as following:

“1. *The document attached as Exhibit A is a genuine copy of Delta Domestic General Rules Tariff (last modified: February 7, 2002).*

2. *The following occurred: Please admit the genuineness and authenticity of report from the office secretary, Department of Transportation 14 CFR, Part 330 as of 01/08/02 defendant Delta Airlines, Inc. requested and or received \$528,876,565.00 under the Air Transportation Safety System Stabilization Act..*

3. *The document attached as Exhibit B is a genuine copy of Us Dept. of Transportation, Office of Public affairs showing Delta Airlines, Inc. in recite of total compensation as of October 10, 2003 \$635, 733,978.5 under the provisions of air transportation safety and system stabilization at, Public Law 407-42.*

4. *The document attached as Exhibit C is a genuine copy of copy of Air Travel Consumer Report issued May 2002 by US Dept. of Transportation showing 10 complaints against defendant Delta Airlines, Inc..*

5. *The following occurred: HansDip Singh Bindra a sick business man from New Jersey has sued Delta Airlines for racial profiling, intimidation and harassment aboard on November 26, 2002 in United States district court in Newark, New Jersey and filed a law suit on September 16, 2003. “*

Defendant did respond to Request for Admissions but only stating that the request is not relevant to this matter. It is pertinent to point out that the request pertains to Defendant's Domestic General Rules & Tariff, Report from the Office of Secretary Department of Transportation, United States Department of Transportation Air Travel Consumer Report and Request Regarding Complaint against defendant filed on September 16, 2003 at United States District Court, Newark, NJ. Which are all either the documents generated, produced, published, circulated and distributed by the defendant

herein or the United States Federal Government. Non-cooperation on part of defendant is unfair, unjust, and obstructive to the discovery sought by the plaintiff.

That the responding attorney in compliance to Local Rule 37.3(a) made attempt to confer in good faith by writing a letter dated May 4, 2005 to the council for defendant requesting the out standing discoveries in an effort to resolve the discovery dispute. Copy of the said letter is attached as ***Exhibit 'B'*** to this letter.

Therefore, the request is in order.

The responding attorney is conscious and mindful of electronic case filing and had completed two hour CLE conducted by Southern District almost a year back and has also registered on CM/ECF registration Southern District of NY and also made efforts to enroll to PACER Services Center but unfortunately has not been able to fully access and file electronically as directed by the honorable court. However, an attempt is being made to file this document electronically but as a safety measure it is also being faxed to the honorable court.

Hence, the non-electronic filing is neither deliberate nor intentional on the part of the plaintiff's attorney and therefore is humbly requested that this request be accommodated non-electronically in the interest of Justice.

Thank you for your honors attention to this manner.

Respectfully,

/s/Sanjay Chaubey, Esq.(SC-3241)
Attorney for the Plaintiff
Mohamed Bary

CC: Gallagher Gosseen Faller & Growley
Attorney for Defendant
1010 Franklin Avenue, Suite 400
Garden City, New York 11530-2927
Fax: (516) 742-2516

EXHIBIT 'A'

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MOHAMED BARY,

Plaintiff

Case No.: CV-02-5202

(Trager, J.; Chrein, M.J.)

-against-

REQUESTS FOR
PRODUCTION

DELTA AIRLINES, INC.

Defendants

TO ALL COUNSEL:

Plaintiff, Mohamed Bary through his attorney Sanjay Chaubey, Esq., propounds the following to defendant pursuant to F.R.C.P. 26,33 and 34:

1. Please produce copy of P.N.R as indicated at page 46 of Ms. Vera Hall's deposition transcript.
2. Please produce copy of list of passengers as indicated at page 48 of Ms. Vera Hall's deposition transcript.
3. Please produce copy of record of tickets, bag tags generated showing the time of their generation indicated at page 56 of Ms. Vera Hall's deposition transcript.

Dated: New York, NY
April 19, 2005

Law Offices of Sanjay Chaubey

By: _____
Sanjay Chaubey, Esq. (SC-3241)
Attorney for the Plaintiff
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EXHIBIT 'B'

**LAW OFFICES OF
SANJAY CHAUBEY**

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Via regular mail and Facsimile

May 4, 2005

Gallagher Gossen Faller & Crowley
Attorney at Law
1010 Franklin Avenue, Suite 400
Garden City, New York 11530-2827

Re: Mohamed Bary – v- Delta Airlines, Inc.

Dear Ms. Morrissey:

Following our telephonic conference on April 20, 2005, I am writing to request you to provide me with the following discoveries:

1. Copy of Delta Domestic General Rules Tariff (for the year 2000 to 2005)
2. Please provide amounts received from the Federal Government under the Air Transportation Safety Stabilization Act or any other relevant Act.
3. Please provide any or all details of complaints against Delta Airline Inc. pertaining to discrimination for the year 2000 to 2005.
4. Please provide any or all details of complaints received by Delta Airline, Inc. on account of theft of baggage between the years 2000 to 2005.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

Sanjay Chaubey, Esq.